

REMARKS

Claims 1, 44, 49 and 52 are currently amended. Previously presented claims 50-54 have been renumbered as claims 49-53. New claims 54-56 are added. It is respectfully submitted that the present amendment presents no new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

I. Interview Summary

On August 6, 2008, Applicants' attorney Michael Krenicky telephoned Examiner Dejong to discuss this application.

No exhibits were shown or discussed.

Claims 1 and 44 were discussed and possible amendment thereto to help differentiate the pending claims from U.S. patent no. 6,268,222 to Chandler *et al.* Applicants indicated that the coating agent absorbs light emitted from a fluorescent marker. The Examiner indicated that he would have to review the prior art before making any agreements. No agreement was reached that would allow any claim.

Applicants also discussed the rejection under 35 U.S.C. 101. The Examiner urged Applicants amend the independent claims to a method which provides a useful, concrete, or tangible result. Applicants' attorney agreed to consider amending claims 1 and 44. Applicants' attorney believes no one else was present during the telephonic interview.

II. The Rejections 1-12, 14-20, 44, 47-49, 52, and 53 under 35 U.S.C. 101

Applicants currently amend claims 1, 44 and 49. These claims are amended to include, *inter alia*, a step of indicating one or more quality parameters to a computing unit or user. No new matter is added. The specification provides support; see for example page 34, lines 27-32, and the examples. Reconsideration is urged.

III. The Rejections of claims 1-12, 14-20, 44, 47-49 and 52 under 35 U.S.C. 102(e)

Claims 1-12, 14-20, 44, 47-49 and 52 stand rejected under 35 U.S.C. 102(e)(2) as anticipated by Chandler *et al.*, U.S. Patent No. 6,268,222 ("Chandler").

Independent claims 1, 44 and 49 are currently amended to require, *inter alia*, a layer around the granule that absorbs light from the fluorescent marker. No new matter is added. See for example, page 25, lines 23-27. Conversely, Chandler at column 12,

lines 15-19 teaches a polymeric shell "selected in such a way that it would not affect light absorption and emission characteristics". Accordingly, Chandler does not teach the granule layer of the present disclosure which would affect light absorption. Chandler does not anticipate the present disclosure. Reconsideration is urged.

IV Claims 1, 44, 49 and 54 are Not Obvious

Applicants note that while the Examiner made no obviousness rejection, independent claims 1, 44, 49 and 54 are not obvious in light of Chandler for the following reasons.

The present disclosure relates to a method for analyzing a property of a granular composition including enzyme by subjecting the granular composition to fluorescence analysis. Formulation of chemical compounds into finished goods, in particular granulation, is usually required to achieve improved properties of the products, thus making them more commercially attractive. However, for enzymes, granulation is often needed by the producers because the enzyme, until being applied for its intended use, should be separated from the surrounding environment to ensure the safe handling of the product. The amount of enzyme which can escape from the granulated product, e.g. in the form of dust, must be minimized to ensure that persons handling the product do not suffer any adverse effects from contact with the enzyme. Vice versa the enzyme must be protected from the environment outside the granule to remain stable and active once it is to be used. Once an enzyme has been granulated one may further coat granules including enzyme with a coating agent which further suppress the release of enzyme from the granule and further improve the stability of the enzyme in the granule. Usually by increasing the thickness of the coating layer, it is possible to further improve granule properties. The fluorescent analysis of the present disclosure is useful for, *inter alia*, determining one or more quality parameters of enzyme granules.

Chandler *et al.* does not relate to enzyme granules and instead relates to a fluorescent article including a core or carrier particle having on its surface a plurality of smaller polymeric particles or nanoparticles, which are stained with different fluorescent dyes. When excited by a light source, the Chandler particles are capable of giving off multiple fluorescent emissions simultaneously, which is useful for multiplexed analysis of a plurality of analytes in a sample. The fluorescent articles of Chandler can be used for, *inter alia*, passive and covalent coupling of biological material, *i.e.*, analyte or analytical reactants and used for various types of assays.

Claims 1, 44, and 49, as amended herein require, *inter alia*, a layer around the granule that absorbs light from the fluorescent marker. As the present disclosure is concerned with quality parameters of the enzyme granules, it is possible to add a layer which affects the absorption of light entering and/or emitted from a granule. See for example, page 25, lines 23-27.

Conversely, Chandler teaches away from using a layer which would affect the absorption of light. See, column 12, lines 15-18 which states:

The article can be further coated or surrounded by a thin polymeric shell, selected in such a way that it would not affect light absorption and emission characteristics.

As Chandler teaches away from a light absorbing layer of the present disclosure, one of skill in the art would not substitute the polymeric shells of Chandler for the layers of the present disclosure. Accordingly, claims 1, 44, 49 and 54 are not obvious.

V. Conclusion

While it is believed that all fees relating to this response were paid electronically at the time of filing this amendment, the U.S. Patent and Trademark Office is authorized to charge any additional fees to Novozymes North America, Inc.'s deposit account number 50-1701 should any additional fees be required.

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

Date: August 7, 2008

/Michael W. Krenicky Reg. # 45411/
Michael W. Krenicky Reg. No. 45,411
Novozymes North America, Inc.
500 Fifth Avenue, Suite 1600
New York, NY 10110
(212)840-0097